

AARON D. FORD  
 Attorney General  
 NATHAN M. CLAUS (Bar No. 15889)  
 Deputy Attorney General  
 State of Nevada  
 Office of the Attorney General  
 1 State of Nevada Way, Suite 100  
 Las Vegas, Nevada 89119  
 (702) 486-7629 (phone)  
 (702) 486-3768 (fax)  
 Email: nclaus@ag.nv.gov

*Attorneys for Defendants  
 Scott Davis, Tim Garrett, Kara Legrand, Charles Daniels,  
 Donald Burse, Dana Everage, Chad Venters, Cary Dyer,  
 March Mallinger, and Julio Calderin*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

THOMAS BURDSAL,

Plaintiff,

v.

SCOTT DAVIS, *et al.*,

Defendants.

Case No. 3:23-cv-00074-CLB

**ORDER GRANTING DEFENDANTS'  
 REQUEST FOR 14-DAY  
 EXTENSION TO RESPOND TO  
 PLAINTIFF'S FIRST MOTION TO  
 AMEND COMPLAINT AND ADD  
 NECESSARY PARTIES  
 ECF NO. 71**

Defendants, Scott Davis, Tim Garrett, Kara Legrand, Charles Daniels, Donald Burse, Dana Everage, Chad Venters, Cary Dyer, March Mallinger, and Julio Calderin by and through counsel, Aaron D. Ford, Nevada Attorney General, and Nathan M. Claus, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby seek leave of this court for a 14-day extension to file their response to Plaintiff's First Motion to Amend Complaint and Add Necessary Parties. ECF No. 71.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. PROCEDURAL HISTORY**

This is an inmate civil rights actions brought by Inmate Thomas Burdsal (Burdsal), pursuant to 42 U.S.C. § 1983, for events that allegedly occurred while he was incarcerated at Lovelock Correctional Center (LCC). Burdsal's primary factual allegation is he did not receive Jewish Passover meals in 2022, and that he should have received those religious

1 meals. ECF No. 8 at 4:1-28. This Court allowed Burdsal to proceed on a First Amendment  
2 free exercise claim, a Religious Land Use and Institutionalized Person Act of 2000  
3 (RLUIPA) claim, a Fourteenth Amendment equal protection claim, and a state-law claim  
4 for the intentional infliction of emotional distress against proposed Defendants Davis,  
5 Garrett, LeGrand, Daniels, and several John Does on the Religious Review Team (RTT).  
6 ECF No. 7 at 9:5-21. Burdsal amended his complaint to substitute the Does in for Donald  
7 Burse, Dana Everage, Chad Venters, Cary Dyer, Marc Mallinger, and Julio Calderin  
8 (collectively known as “new Defendants”). ECF No. 33. These new Defendants filed their  
9 acceptance of service of the complaint on August 1, 2024. ECF No. 41. An amended answer  
10 for all Defendants was filed on March 26, 2025. ECF No. 66.

11 On April 8, 2025, Burdsal submitted the subject motion seeking leave of this Court  
12 to amend his complaint to add two new defendants and to expand the scope of this lawsuit  
13 through his newly proposed 68-page complaint. ECF Nos. 71 and 71-1.

14 Defendants now seek a 14-day extension for their response to these requests to allow  
15 defendants time to respond to the lengthy motion.

## 16 **II. ARGUMENT**

17 Pursuant to Fed. R. Civ. P. 6(b), the “court may, for good cause, extend the time . . .  
18 with or without motion or notice . . . if a request is made, before the original time or its  
19 extension expires.” Defendants seek an extension of time to respond to file their dispositive  
20 motion. Good cause is present to extend the dispositive motion deadline until May 6, 2025.

21 Burdsal’s motion is 39 pages long. ECF No. 71. Within that motion, it appears that  
22 Burdsal makes many new allegations of facts and seeks to expand the scope of this case to  
23 include allegations related to his general challenges to common fare and religious  
24 accommodations at LCC from 2020 through 2022. *Id.* at 39-41.

25 Accordingly, Defendants respectfully request that the extension be granted for good  
26 cause shown. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1260, (9th Cir. 2010)  
27 (holding that the “district court abused its discretion in denying party’s timely motion” to  
28 extend time because the party “demonstrated the ‘good cause’ required by Rule 6, and

1 because there was no reason to believe that [the party] was acting in bad faith or was  
2 misrepresenting his reasons for asking for the extension”).

3 **III. CONCLUSION**

4 Based on the foregoing, and for good cause, Defendants request an extension of time  
5 until May 6, 2025, for the response to ECF No. 71.

6 DATED this 22nd day of April, 2025.

7 AARON D. FORD  
8 Attorney General

9 By: /s/ Nathan M. Claus  
10 NATHAN M. CLAUS (Bar No. 15889)  
Deputy Attorney General

11 *Attorneys for Defendants*

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14 No further extensions of time will be granted absent extraordinary circumstances.

15 **IT IS SO ORDERED.**

16 **DATED:** April 23, 2025

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20 UNITED STATES MAGISTRATE JUDGE